

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:24-CR-00126-DGK-01
)	
MICAH T. GREENE,)	
)	
Defendant.)	

ORDER ADOPTING THE MAGISTRATE’S REPORT AND RECOMMENDATION
DENYING DEFENDANT’S MOTION TO DISMISS

Now before the Court is Defendant’s motion to dismiss the indictment charging Defendant with being a felon in possession of a firearm, contrary to the provisions of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8), because the statute is unconstitutional on its face and as applied. ECF No. 23. Also before the Court are Magistrate Judge Jill A. Morris’s Report and Recommendation (“the Report”) recommending the motion be denied because the statute is constitutional, ECF No. 41, and Defendant’s objections to the report and recommendation, ECF No. 49.

Defendant argues the Eighth Circuit wrongly decided *United States v. Jackson*, 110 F.4th 1120 (8th Cir. 2024), which held 18 U.S.C. § 922(g)(1) is constitutional because a categorical exclusion of felons from Second Amendment protections is consistent with this Nation’s historical tradition of firearm regulation.

A district court such as this one is bound by Eighth Circuit precedent. After reviewing the Report and conducting an independent review of the applicable law and record, *see* L.R. 74.1(a)(2), the Court agrees with the Magistrate’s holding that the motion should be denied for the reasons stated in the Report.

Accordingly, the Court ADOPTS the Report and Recommendation and DENIES Defendant's motion to dismiss.

IT IS SO ORDERED.

Date: November 14, 2024

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT